

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GARY FORRESTER,

Plaintiff,

v.

SOLEBURY TOWNSHIP, et al.,

Defendants.

CIVIL ACTION
NO. 20-4319

ORDER

AND NOW, this 19th day of February 2021, upon consideration of Defendants' Motion to Dismiss (ECF No. 16), Plaintiff's Response (ECF No. 19) and Defendants' Reply (ECF No. 20) as well as Plaintiff's Motion for Leave to Amend (ECF No. 25), Defendants' Response (ECF No. 26) and Plaintiff's Reply (ECF No. 27), it is hereby **ORDERED** that, for the reasons stated in the Court's Memorandum:

1. Plaintiff's Motion for Leave to Amend is **DENIED**.
2. Defendants' Motion to Dismiss is **GRANTED** insofar as it seeks to dismiss Plaintiff's procedural due process claim in Count I of the Amended Complaint. Count I is **DISMISSED without prejudice**.
3. Defendants' Motion to Dismiss is **DENIED** insofar as it seeks to dismiss the remainder of the Amended Complaint.
4. Plaintiff may file a new second amended complaint consistent with this Order and the Court's Memorandum on or before **Friday, March 5, 2021**. Plaintiff must follow carefully the Court's instructions in Section V of its Memorandum.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.